



THE FINLEY FIRM, P.C.
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January 8, 2016

The Honorable Charles Breyer
United States District Judge
Northern District of California
450 Golden Gate Avenue, Dept. 6
San Francisco, CA 94102-3483

**Re: *In re: Volkswagen “Clean Diesel” Marketing, Sales Practices, and
Products Liability Litigation* – MDL No. 2672**

Dear Judge Breyer:

Pursuant to Pretrial Order No. 2, I, attorney, MaryBeth V. Gibson (hereinafter referred to as “MaryBeth Gibson”) and the law firm of The Finley Firm, P.C., respectfully request the Court consider my appointment to the Plaintiffs’ Steering Committee in MDL No. 2672.

**KNOWLEDGE AND EXPERIENCE IN PROSECUTING
COMPLEX LITIGATION, INCLUDING CLASS ACTIONS**

My law firm and I have extensive experience handling complex litigation, MDL matters, product liability litigation and class action law suits. The appointment of myself and my firm with our vast experience, knowledge and available resources will further the goals of the Steering Committee. I co-head (along with J. Benjamin Finley) The Finley Firm’s Class Action / Mass Tort Section which includes 5 lawyers and 6 staff members. This section of the firm focuses on consumer fraud, class actions and mass torts that are typically consolidated in Multi-District Litigation. As co-head of this Section, I am involved in every lawsuit pursued by this area of the Firm. For additional information regarding The Finley Firm, P.C. and its members, please visit the

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Firm's website at www.thefinleyfirm.com. I and my Firm have participated in MDLs on the Discovery Committees in:

1. In Re DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation, MDL 2197. Judge David A. Katz.
2. In Re DePuy Orthopaedics, Inc., Pinnacle Hip Implant Products Liability Litigation, MDL 2244. Judge Ed Kinkeade.
3. In re: The Home Depot, Inc., Customer Data Security Breach Litigation, MDL 2583, serving as co-chair of Third-Party Discovery Committee. Judge Thomas Thrash.

We have also participated in the following MDLs as Counsel for Plaintiffs with individual cases filed in the MDLs:

1. In Re: Oil Spill by the Oil Rig "Deep Water Horizon" in the Gulf of Mexico, on April 20, 2010 – MDL 2179, Judge Carl J. Barbier.
2. In Re: Wright Medical Technology, Inc. Conserve Hip Implant Products, Liability Litigation – MDL 2329, Judge William S. Duffey, Jr.
3. In Re: NFL Concussion National Football League Players Concussion Injury Litigation – MDL 2323, Judge Anita B. Brody.
4. In Re: Vioxx Products Liability Litigation – MDL 1657, Judge Eldon E. Fallon.
5. In Re: Syngenta AG MIR162 Corn Litigation – MDL No.:2591, Judge John W. Lungstrum.

In addition, I or my Firm, have served as lead, co-lead counsel, or co-counsel in a number of class action cases, including:

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1. Annette Rush v. Village Auto Insurance Company, Superior Court of Fulton County, Civil Action No.: 2005-CV-107983, Judge T. Jackson Bedford, Jr., Class Action Settlement.
2. Randy and Mary Williams and Linda and Larry Lake, individually and on behalf of a putative class, v. National Union Fire Insurance Company of Pittsburgh, HealthExtras, LLC, HealthExtras, Inc. and Catamaran Health Solutions, LLC, United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action No.: 1:14-CV-00309-TWT, Judge Thomas W. Thrash, Jr.
3. Ackerman, et.al v. Mahindra & Mahindra, LTD, United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action No.: 1:12-CV-2048-TWT, Judge Thomas W. Thrash, Jr.
4. Minter, individually and on behalf of a putative class, v Walgreen Co. d/b/a Walgreens, United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action No.:1:14-CV-3251-AT, Judge Amy M. Totenberg.
5. Variety Mart, Inc. d/b/a Variety Mart 1, individually and on behalf of a putative class, v. Payment Processing Technology, LLC, d/b/a PayProTec, North American Bancard LLC, d/b/a North American Bancard.
6. H. Jefferson Bickerstaff Jr., individually and on behalf of a putative class, v. SunTrust Bank, State Court of Fulton County, Civil Action File No.: 10-EV-0185-H, Judge Susan E. Edlein.
7. Thomas Griner and Fern Cohn, on behalf of themselves and a putative class, v. Synovus Bank, et al, State Court of Gwinnett County, Civil Action File No.:10-C-11235-3, Judge Carla E. Brown.

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8. Bridget Brown, individually and on behalf of a putative class v. Fidelity Bank, et al, State Court of Dekalb County, Civil Action File No.:1:1-CV-02865, Judge Johnny Panos.
9. Bagley, individually and on behalf of a putative class v. Auto-Owners, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.
10. Teri Bickerstaff, individually and on behalf of putative class v. Alfa Insurance, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.
11. Brookes, individually and on behalf of putative class v. Grange Mutual, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.
12. Chung, individually and on behalf of putative class v. Superior Insurance Company, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.
13. Jarrett Cudd, individually and on behalf of putative class v. American Home Assurance Company, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.
14. Daughtry, individually and on behalf of putative class v. Direct General Insurance, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.
15. George Miller, individually and on behalf of putative class v. Horace Mann Insurance, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.
16. Larry Miller, individually and on behalf of putative class v. Travelers, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement

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17. Larry Oldham v. Kemper, individually and on behalf of putative class v. American Manufacturers Mutual Insurance Company, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.
18. Larry Oldham, individually and on behalf of putative class v. Nationwide, Superior Court of Muscogee County, Judge Doug Pullen, Class Action Settlement.

**WILLINGNESS AND ABILITY TO
COMMIT TO A TIME CONSUMING PROCESS
AND WORK COOPERATIVELY WITH OTHERS**

My ability to work cooperatively with other counsel has been demonstrated in the MDLs in which I have participated. I consider this one of my strongest attributes. I enjoy working with counsel from fellow plaintiffs' firms to develop and implement an effective case strategy. I also maintain cordial and positive working relationships with defense counsel, many of whom I have dealt with repeatedly and there exists a mutual respect for each other and on-going comradery.

**ACCESS TO RESOURCES TO
PROSECUTE LITIGATION IN A TIMELY MANNER**

I represent to this Court that my Firm has sufficient resources, both financial and in personnel, both attorneys and support staff, to prosecute this litigation in a timely manner. Having represented clients as lead counsel and as local counsel in the Northern District, I appreciate the necessity to appear in Court and/or meet with opposing counsel, as well as co-counsel, as the urgent need arises. Additionally, my Firm has supported multi-million dollar litigation, both in MDLs and in class actions that have required substantial financial resources, attorney personnel and support staff such that I and my Firm have a full appreciation for the commitment of resources necessary for this type of litigation. I commit to this court that my Firm and I are dedicated to provide the necessary resources to

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support this litigation and to see it through to its resolution either by trial or settlement.

WILLINGNESS TO SERVE

I seek to serve on the Plaintiffs' Steering Committee ("PSC"), but will serve in any capacity the Court sees fit. I seek to participate in the automobile dealer track ("dealer track"). Alternatively, I seek to represent independent automobile dealers and consumers as part of the PSC.

SUPPORT

I am authorized to say the following individuals support my application for appointment to the Steering Committee:

Charles S. ("Bucky") Zimmerman
Zimmerman Reed, PLLP
1100 IDS Center, 80 South 8th Street
Minneapolis, MN 55402

W. Daniel ("Dee") Miles
Beasley, Allen, Crow, Methvin, Portis & Miles, P.C.
218 Commerce Street
Montgomery, AL 36104

Arthur M. ("Art") Murray
Murray Law Firm
650 Poydras Street
Suite 2150
New Orleans, LA 70130

ATTORNEY FEE PROPOSALS

I and my Firm propose that those Firms selected as part of Leadership in some capacity support the litigation with a per Firm assessment to be decided upon

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by agreement of Leadership once selected.

OTHER CONSIDERATIONS

My law firm and I have been committed to the Volkswagen “Clean Diesel” Marketing, Sales Practices, and Products Liability Litigation since its inception and are willing to commit the time, financial resources and manpower resources to this litigation to the fullest extent. My firm filed complaints on behalf of putative classes of purchasers and lessees of Volkswagen diesel vehicles shortly after the first public reports of Volkswagen’s reprehensible conduct.¹

CONCLUSION

My firm and I are prepared and able to commit the time, financial resources and manpower to this litigation to the fullest extent. The Steering Committee needs financially capable and responsible law firms, and The Finley Firm, P.C. fully appreciates the commitment of resources necessary for this type of important litigation. My firm and I have demonstrated this capability and commitment in other MDLs, and will provide this commitment to this MDL. Therefore, we ask to be appointed Plaintiffs’ Steering Committee of this MDL Litigation, but will serve in any capacity to assist this litigation to a successful conclusion.

Respectfully Submitted,

MaryBeth V. Gibson

MBG/bs

Enclosure

cc: All counsel of record via CM/ECF

¹ *Lemieux v. Volkswagen Group of America, Inc., No. :15- v-157 (M.D. GA, filed September 30, 2015); Terry v. Volkswagen Group of America, Inc. et. al, No. SC-15-cv-617(Muscogee County, GA, November 10, 2015, removed to MD GA on December 28, 2014, No 4:15-cv-208, stayed pending transfer to MDL, January 4, 2016).*